
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Assessments and Taxation)**

Introduced and read first time: January 21, 2004

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 12, 2004

CHAPTER _____

1 AN ACT concerning

2 **Real Property - ~~Expedited~~ Recordation of Deeds and Instruments of Writing**

3 FOR the purpose of repealing ~~the a certain prohibition requirement~~ against recording
4 certain instruments transferring ownership of real property in certain counties;
5 ~~under certain circumstances~~, until the property granted is transferred on the
6 assessment rolls of the county where the property is located under certain
7 circumstances; requiring a clerk of the circuit court to refuse to record certain
8 instruments of writing under certain circumstances; authorizing the clerks of
9 the circuit courts, the Administrative Office of the Courts, the State Department
10 of Assessments and Taxation, and the local collectors of tax to formulate certain
11 procedures regarding the recordation of instruments; providing for a delayed
12 effective date; and generally relating to the process of recording deeds and other
13 instruments of writing ~~in certain counties~~.

14 BY repealing and reenacting, with amendments,
15 Article - Real Property
16 Section 3-104(a) and (g)
17 Annotated Code of Maryland
18 (2003 Replacement Volume and 2003 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Real Property

2 3-104.

3 (a) (1) [Except as provided in paragraph (2) of this subsection, a deed or
4 other instrument which effects a change of ownership on the assessment books under
5 the Tax - Property Article may not be recorded until the property granted is
6 transferred on the assessment books or records of the county where the property is
7 located to the grantee or assignee named in the deed or other instrument. When
8 submitting the deed or other instrument for transfer on the assessment books, the
9 person offering the deed or other instrument, on request, shall mail or deliver to the
10 person having charge of the assessment books, a statement of any building and
11 improvement on the property granted. When the property is transferred on the
12 assessment books, the person recording the transfer shall evidence the fact of transfer
13 on the deed or other instrument. This endorsement is sufficient to authorize the
14 recording of the deed or other instrument by the clerk of the appropriate court.

15 (2) (i) The provisions of this paragraph apply only in the following
16 counties:

- 17 1. Baltimore County;
- 18 2. Carroll County;
- 19 3. Cecil County;
- 20 4. Charles County;
- 21 5. Dorchester County;
- 22 6. Harford County;
- 23 7. Howard County;
- 24 8. Montgomery County;
- 25 9. St. Mary's County;
- 26 10. Washington County; and
- 27 11. Worcester County.

28 (ii) The Clerk of the Circuit Court may record an instrument that
29 effects a change of ownership if the instrument is:

30 [1.] (I) Endorsed with the certificate of the collector of taxes
31 of the county in which the property is assessed, required under subsection (b) of this
32 section; and

33 [2.] (II) Accompanied by:

- 1 [A.] 1. A complete intake sheet; and
- 2 [B.] 2. A copy of the instrument, and any survey, for
3 submission to the Department of Assessments and Taxation.
- 4 [(iii)] (2) The Supervisor of Assessments shall transfer ownership of
5 property in the assessment records, effective as of the date of recordation, upon
6 receipt from the Clerk of the Circuit Court of a copy of the instrument, the completed
7 intake sheet, and any survey submitted under [subparagraph (ii) of this paragraph]
8 PARAGRAPH (1) OF THIS SUBSECTION.
- 9 (g) (1) This subsection does not apply to:
- 10 (i) An assignment of a mortgage or if presented for recordation, an
11 assignment of a deed of trust;
- 12 (ii) A release of a deed of trust or mortgage;
- 13 (iii) A substitution of trustees on a deed of trust;
- 14 (iv) A power of attorney; or
- 15 (v) A financing statement or an amendment, continuation, release,
16 or termination of a financing statement recorded in land records.
- 17 (2) Except as provided in paragraph (1) of this subsection, each deed or
18 other instrument affecting property and presented for recordation shall be
19 accompanied by a complete intake sheet, on the form that the Administrative Office of
20 the Courts provides.
- 21 (3) A complete intake sheet shall:
- 22 (i) Describe the property by at least one of the following property
23 identifiers:
- 24 1. The property tax account identification number, if any, or
25 in Montgomery County, any parcel identifier required under § 3-501 of this title, if
26 different from the tax account number;
- 27 2. The street address, if any;
- 28 3. If the property is a lot within a subdivided tract, the lot
29 and block designation, or in Baltimore City, the current land record block number;
- 30 4. If the property is part of a tract that has been subdivided
31 informally and there is neither an assigned tax account identification number for the
32 parcel nor a lot and block designation, then the street address, if any, or the amount
33 of acreage; or
- 34 5. If the property consists of multiple parcels, the
35 designation "various lots of ground" or the abbreviation "VAR. L.O.G.";

1 (ii) Name each grantor, donor, mortgagor, and assignor and each
2 grantee, donee, mortgagee, and assignee;

3 (iii) State the type of instrument;

4 (iv) State the amount of consideration payable, including the
5 amount of any mortgage or deed of trust indebtedness assumed, or the principal
6 amount of debt secured;

7 (v) State the amount of recording charges due, including the land
8 records surcharge and any transfer and recordation taxes;

9 (vi) Identify, by citation or explanation, each claimed exemption
10 from recording taxes;

11 (vii) For an instrument effecting a change in ownership, state a tax
12 bill mailing address; and

13 (viii) Indicate the person to whom the instrument is to be returned.

14 (4) An intake sheet may request any other information that the
15 Administrative Office of the Courts considers necessary in expediting transfers of
16 property or recording and indexing of instruments.

17 (5) A clerk may not charge any fee for recording an intake sheet.

18 (6) A clerk [may not] SHALL refuse to record an instrument [because]
19 IF it is not accompanied by an intake sheet ~~or because it is accompanied by an intake~~
20 ~~sheet not completed as required by paragraph (3) of this subsection.~~

21 (7) (i) An intake sheet shall be recorded immediately after the
22 instrument it accompanies.

23 (ii) The intake sheet is not part of the instrument and does not
24 constitute constructive notice as to the contents of the instrument.

25 (iii) The lack of an intake sheet does not affect the validity of any
26 conveyance, lien, or lien priority based on recordation of an instrument.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the clerks of the circuit
28 courts, the Administrative Office of the Courts, the State Department of Assessments
29 and Taxation, and the local collectors of the taxes may formulate the procedure
30 governing recordation of instruments as authorized under this Act, so as to simplify
31 the procedures for recordation of instruments while ensuring the integrity of the land
32 and assessment records.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 ~~January~~ July 1, 2005.

